

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 6A - PUBLIC HEALTH SERVICE

SUBCHAPTER XXVI - NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER

PUBLIC HEALTH EMERGENCIES

Part B - Emergency Preparedness and Response

-HEAD-

Sec. 300hh-11. Coordination of preparedness for and response to

bioterrorism and other public health emergencies

-STATUTE

(e) Certain employment issues regarding intermittent appointments

(1) Intermittent disaster-response appointee

For purposes of this subsection, the term "intermittent

disaster-response appointee" means an individual appointed by the

Secretary under subsection (d) of this section.

(3) Employment and reemployment rights

(A) In general

Service as an intermittent disaster-response appointee when

the Secretary activates the National Disaster Medical System or

when the individual participates in a training program

authorized by the Assistant Secretary for Public Health

Emergency Preparedness or a comparable official of any Federal

agency specified in subsection (b)(2)(B) of this section shall

be deemed "service in the uniformed services" for purposes of

chapter 43 of title 38 pertaining to employment and

reemployment rights of individuals who have performed service

in the uniformed services (regardless of whether the individual

receives compensation for such participation). All rights and

obligations of such persons and procedures for assistance,

enforcement, and investigation shall be as provided for in

chapter 43 of title 38.

(B) Notice of absence from position of employment

Preclusion of giving notice of service by necessity of

Service as an intermittent disaster-response appointee when the

Secretary activates the National Disaster Medical System shall

be deemed preclusion by "military necessity" for purposes of

section 4312(b) of title 38 pertaining to giving notice of

absence from a position of employment. A determination of such

necessity shall be made by the Secretary, in consultation with

the Secretary of Defense, and shall not be subject to judicial

review.

-SOURCE-

(July 1, 1944, ch. 373, title XXVIII, Sec. 2811, as added Pub. L.

107-188, title I, Sec. 102(a), June 12, 2002, 116 Stat. 599.)

-REFTEXT-

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (d)(1), are classified generally to Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public

Health Emergency Preparedness relating thereto, to the Secretary of

Homeland Security, and for treatment of related references, see

sections 313(5), 551(d), 552(d), and 557 of Title 6, Domestic

Security, and the Department of Homeland Security Reorganization

Plan of November 25, 2002, as modified, set out as a note under

section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of

the Federal Emergency Management Agency, including the functions of

the Director of the Federal Emergency Management Agency relating

thereto, to the Secretary of Homeland Security, and for treatment

of related references, see sections 313(1), 551(d), 552(d), and 557

of Title 6, Domestic Security, and the Department of Homeland

Security Reorganization Plan of November 25, 2002, as modified, set

out as a note under section 542 of Title 6.